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TO

Amend and continue certain Acts for the Preservation of the Peace in Ireland. A.D. 1875.

WHEREAS by the Peace Preservation (Ireland) Acts Continuance Act, 1873, the Peace Preservation (Ireland) Act, 1870, and the Protection of Life and Property in certain parts of Ireland Act, 1871, were, subject as therein mentioned, limited to expire on the first day of June one thousand eight hundred and seventy-five :

And whereas by the Expiring Laws Continuance Act, 1874, the Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled "An Act to extend and render more effectual for five years an Act passed in the fourth year of His late Majesty George the Fourth, to amend an Act passed in the fifth year of His Majesty George the Third, for preventing the administering and taking of unlawful oaths in Ireland," as amended by the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-nine, and continued by divers Acts, was continued and limited to expire on the first day of December one thousand eight hundred and seventy-five :

And whereas it is expedient to amend the said Acts, and as amended to continue them for further limited periods :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Peace Preservation (Ireland) Act, 1875."

2. From and after the passing of this Act the parts of the Peace Preservation (Ireland) Act, 1870, specified in the Schedule (A.) to this Act annexed, shall be and the same are hereby repealed: Provided always, that such repeal shall not affect anything done or suffered, or any liability incurred under the enactments repealed.

[Bill 77.]

A

Repeal of certain parts of Peace Preservation (Ireland) Act, 1870.

A.D. 1875.

Continuance
of Peace
Preservation
(Ireland)
Act, 1870,
subject to
amendments
and modifi-
cation.

Extension of
license to
have arms.

Powers of
persons act-
ing under
warrant to
seize arms.

Punishment
for carrying
arms con-
trary to law
reduced to
one year's
imprison-
ment.
Summary
proceedings
in certain
cases.

3. The Peace Preservation (Ireland) Act, 1870, and the Act and Acts therein designated or referred to as the Peace Preservation Act (except such parts thereof as are by this Act repealed), as amended by sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, and as continued by the Peace Preservation (Ireland) Acts Continuance Act, 1873, shall be read and construed subject to the modifications herein-after contained, and, subject to such modifications, the same and the said amending sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, shall continue in operation until the first day of June one thousand eight hundred and eighty.

Where any license to have arms within a dwelling-house in any proclaimed district has been or shall be granted, it shall be lawful for the person authorised to grant such licenses in such proclaimed district, if he shall think fit, by endorsement upon such license to authorise the person to whom such license has been or shall be granted, to have and carry arms while upon any lands occupied by him or upon any other lands or places within such proclaimed district, and which shall be specified in such endorsement.

It shall be lawful to and for any person to whom any warrant to search for and seize arms in any proclaimed district is directed, and to and for all constables and other persons acting in their aid or assistance, within the space of twenty-one days next after the date of any such warrant, including the day of the date thereof, to enter into any house or place at any time in order to execute such warrant, and in case admittance shall be refused to any such constables or other persons as aforesaid, or shall not be obtained by them within a reasonable time after it shall have been first demanded, then to enter by force into such house or place in order to execute such warrant.

The punishment to which persons are liable, on conviction, for carrying or having arms contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, shall henceforth be reduced to imprisonment for any period not exceeding one year.

When any person is charged in any proclaimed district before any justices of the peace assembled at petty sessions with any offence contrary to any of the enactments specified in the Schedule (B.) to this Act annexed, as amended by this Act, it shall be lawful for such justices, if they so think fit, to hear and determine the charge in a summary way, and if the person charged shall confess the same, or if such justices, after hearing

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the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such justices to convict the person charged, and commit him to gaol, there to be imprisoned, with or without hard labour, for any period not exceeding *six calendar months*; and if they find the offence not proved, they shall dismiss the charge, and make out and deliver to the person charged a certificate under their hands, stating the fact of such dismissal; and every such conviction and certificate respectively may be in the forms I and 2 in the Schedule (C.) to this Act annexed, or to the like effect: Provided that if such justices are of opinion that the charge, from any circumstances, should be made the subject of prosecution by indictment, rather than be disposed of summarily, such justices shall, instead of summarily adjudicating thereon, deal with the case in all respects as if this Act had not been passed. If upon the hearing of the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they shall have power to dismiss the person charged, without proceeding to a conviction.

Every person who obtains a certificate of dismissal or is convicted under this Act shall be released from all further or other criminal proceedings for the same cause.

In every case of summary proceeding under this Act the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

Any person who is under this Act summarily convicted and sentenced to a term of imprisonment exceeding *one month* may appeal against such conviction. Every such appeal shall be brought in the manner and shall be subject to the provisions prescribed by and contained in section twenty-four of The Petty Sessions (Ireland) Act, 1851, with respect to appeals in the cases therein mentioned.

Where any presentment shall be made under the authority of section thirty-nine of the Peace Preservation (Ireland) Act, 1870, as amended by sections twelve and thirteen of the Protection of Life and Property in certain parts of Ireland Act, 1871, there shall be set forth in such presentment the valuation of the district proposed to be charged with the sum thereby presented, the number of yearly or half-yearly instalments (if any) by which the same is to be raised or levied, the poundage rate necessary for raising or levying the same, and the grounds upon

Amendment of section 39 as to grand jury presentments for compensation.

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which the same has been charged upon such district; and the going judge of assize before whom the same shall be brought for affirmation shall, before affirming the same, carefully consider the propriety of such presentment, having regard to such valuation, the number of such yearly or half-yearly instalments, 5 the poundage rate, and the grounds upon which the same has been so charged, and he may vary or alter or disallow the same as he shall think just, and shall have all and the same powers with respect thereto as are by the said section conferred upon him with respect to appeals. 10

Continuance
of 2 & 3 Vict.
c. 74, as
amended by
11 & 12 Vict.
c. 89.

4. The Act passed in the session of Parliament held in the second and third years of the reign of Her present Majesty, intituled
“ An Act to extend and render more effectual for five years an Act
“ passed in the fourth year of His late Majesty George the Fourth,
“ to amend an Act passed in the fiftieth year of His Majesty George 15
“ the Third, for preventing the administering and taking of unlawful
“ oaths in Ireland,” as amended by the Act passed in the session
of Parliament held in the eleventh and twelfth years of the reign of
Her present Majesty, chapter seventy-nine, shall continue in operation
until the *first day of June one thousand eight hundred and* 20
eighty: Provided always, that the societies of Free Foresters and
Oddfellows, and any court, lodge, or knot of such societies, shall
be exempt from the provisions of the said first-mentioned Act in
like manner in every respect and subject to the same conditions as
Freemasons. 25

And the said Act shall be construed as if the exemptions therein contained had originally extended to Free Foresters and Oddfellows.

Continuance
of certain
parts of Protection
of Life and
Property
in certain
Parts of Ire-
land Act,
1871.

5. Sections one to nine, both inclusive, and the schedules of the Protection of Life and Property in certain parts of Ireland Act, 1871, as continued by the Peace Preservation (Ireland) Acts Con- 30
tinuance Act, 1873, shall continue in operation until the *first day of*
June one thousand eight hundred and seventy-seven.

SCHEDULES.

SCHEDULE (A.)

Parts of Peace Preservation (Ireland) Act, 1870, repealed by foregoing Act:

- 5 Sections eight, ten, eighteen to thirty-seven, both inclusive.
Forms III., IV., V., VI., VIII., IX., X., in Schedule A. and Schedule C.

SCHEDULE (B.)

Principal Act (11 & 12 Vict. c. 2.) ss. 9 and 12; Peace Preservation (Ireland) Act, 1870, sec. 6.

SCHEDULE (C.)

FORM (I.)

Conviction.

15 to wit. } Be it remembered, that on the day of
 in the year of our Lord , at
 in the said [county], *A.B.*, being charged before us
the undersigned of Her Majesty's justices of the peace
for the said [county], is convicted before us, for that [he the said
A.B., *ſc.*, *ſtating the offence, and the time and place when and*
20 *where committed*]; and we adjudge the said *A.B.* for his said
offence to be imprisoned in the [gaol] at in the
said [county], for the space of

Given under our hands and seals, the day and year first above
mentioned, at in the [county] aforesaid.

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J.S. (L.S.)*H.M.* (L.S.)

A.D. 1875.

FORM (II.)

Certificate of Dismissal.

to wit } We of Her Majesty's justices of the peace for the
 } [county] of certify, That on the
 day of in the year of our Lord at 5
 in the said [county] A.B. being charged before us, for that [he the
 said A.B., stating the offence charged, and the time and place when
 and where alleged to be committed], we did, having summarily
 adjudicated thereon, dismiss the said charge.

Given under our hands and seals, this day of 10
 at in the [county] aforesaid.

J.B. (L.S.)

H.M. (L.S.)

Peace Preservation
 (Ireland).

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To amend and continue certain Acts
 for the Preservation of the Peace in
 Ireland.

(Prepared and brought in by
 Sir, Michael Hicks Beach and Mr. Sturges
 Bonnet, for Ireland.)

Ordered, by The House of Commons, to be Printed,
 1 March 1875.

[Bill 77.]

Under 1 oz.